

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

YAN ZHU,

Plaintiff,

v.

HIGH ALTITUDE LLC, a Nevada  
limited liability company, LINGTAO  
ZHANG, and JOHN DOES 1–5,

Defendants.

CV 22–27–BU–DLC

ORDER

Before the Court is Plaintiff’s Unopposed Motion for Docketing of Judgment. (Doc. 27.) The motion requests that the Court enter a judgment reflecting the amount owed by Defendants, less the proceeds and fees and costs from sale pursuant to Mont. Code Ann. § 71-1-222(2). (*Id.* at 2.)

On August 25, 2023, the Court entered default judgment against Defendants High Altitude LLC and Lingtao Zhang in the amount of \$1,001,756.27 as of April 18, 2023, with a daily interest accrual rate of \$274.45377.<sup>1</sup> (Doc. 19.) On October 30, 2023, the U.S. Marshall Service sold the foreclosed property for \$801,000.

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<sup>1</sup> Due to a clerical error, the original Order (Doc. 19) provided for a daily interest accrual rate of \$74.45377. On November 7, 2023, the Court issued an Amended Order with the correct daily interest accrual rate of \$274.45377. (See Doc. 25 at 1–2.)

(Doc. 22.) Pursuant to the Court’s Order Confirming Sale (Doc. 26), the U.S. Marshall’s Office paid \$15,547.35 in delinquent taxes owed on the property and \$16.00 in Clerk and Recorder Fees. (Doc. 27 at 2–3.) In addition, the U.S. Marshall’s Office subtracted \$14,635.78 to cover their own fees and commission. (*Id.*) The remaining proceeds of \$770,800.87 were then dispersed to Plaintiff Yan Zhu.

Montana law provides that “[i]f it appears from the sheriff’s return that the proceeds are insufficient[,] and a balance still remains due, judgment can then be docketed for the balance against the defendant or defendants personally liable for the debt, and it becomes a lien upon the real estate of the judgment debtor, as in other cases on which execution may be issued.” Mont. Code Ann. § 71-1-222(2).

Here, Plaintiff seeks a deficiency judgment of \$227,917.98 reflecting the amount owed by Defendants, less the proceeds and fees and costs from sale. (Doc. 27 at 2.) The funds owed to Plaintiff are calculated as follows:

Judgment (as of November 13, 2023)	\$ 1,059,117.11
Sale Proceeds	\$ (801,000.00)
US Marshall Fees, Costs, Commission	\$ (14,635.78)
Delinquent Property Taxes	\$ (15,547.35)
<u>Clerk and Recorder Fee</u>	<u>\$ (16.00)</u>
<b>Deficiency Owed</b>	<b>\$ 227,917.98</b>

ACCORDINGLY, IT IS ORDERED that judgment is entered against Defendants High Altitude LLC and Lingtao Zhang in the amount of \$227,917.98,

with interest at the rate of ten percent (10%) per annum, accruing as of November 14, 2023.

DATED this 2nd day of January, 2024.

A handwritten signature in blue ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

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Dana L. Christensen, District Judge  
United States District Court